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***New Mississippi River Bridge at St. Francisville
Design-Build Procurement
Single Legal Entity Licensing***

During the 2004 Regular Session, the Louisiana State Legislature enacted Design-Build (DB) legislation allowing the Louisiana Department of Transportation and Development (LA DOTD) to utilize the DB method of project delivery for the Mississippi River Bridge in St. Francisville. One of the requirements of the legislation is as follows:

R.S. 48:250.3

A. To qualify for design-build contracting with the department, **a single legal entity** shall possess professional engineering design capability and qualified construction contracting capability. The standard professional engineer and land surveyor qualifications as provided for in R.S. 37:681 et seq., the rules and regulations of the Louisiana Professional Engineering and Land Surveying Board, and the department's standard technical qualification requirements for firms providing professional engineering and land surveying services as provided for in R.S. 48:290 shall apply to the components providing design services, and the standard contractor qualifications as provided for in R.S. 37:3150 et seq., and the current rules and regulations of the State Licensing Board for Contractors shall apply to the component providing construction services utilized by the design-build entity, based upon the applicable categories for the specific project. All licenses for each component shall be issued prior to the closing date for submittal of letters of interest to the department.

The LA DOTD's opinion of the language as set forth above requires that the "single legal entity" be a corporation, Joint Venture (JV), Limited Liability Company (L.L.C.), or partnership, and that the entity be registered with the Louisiana Secretary of State under the name in which the contract would be awarded. It is the LA DOTD's opinion that while a proposer may have a prime/subcontractor relationship with many different types of subcontractors, including designers and constructors, a prime/subcontractor relationship does not fulfill the "single legal entity" requirement. Thus, it is the LA DOTD's opinion that components or principals of the "single legal entity" providing design services must be licensed with the Louisiana Professional Engineering and Land Surveying Board, and that the components or principals of the "single legal entity" providing the construction services be licensed with the State Licensing Board for Contractors.